

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

RACHEL RAMSBOTTOM,)	
ALEXIS BOWLING,)	
JENNA HOUSTON, JANE DOE #1)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO. 3:21-cv-00272
v.)	
)	JURY TRIAL DEMANDED
LORIN ASHTON, AMORPHOUS)	
MUSIC, INC., BASSNECTAR)	
TOURING, INC., REDLIGHT)	
MANAGEMENT, INC., C3 PRESENTS,)	
L.L.C, INTERACTIVE GIVING FUND,)	JUDGE ALETA A. TRAUGER
GNARLOS INDUSTRIES, LLC,)	
CARLOS DONOHUE, ABC)	
CORPORATIONS, ONE THROUGH)	
TEN (said Names Being Fictitious),)	
JOHN DOES, ONE THROUGH TEN)	
(said Names Being Fictitious),)	
)	
Defendants.)	
)	

**DEFENDANTS AMORPHOUS MUSIC, INC.’S AND BASSNECTAR TOURING, INC.’S
RULE 12(b)(2), 12(b)(3), AND 12(b)(6) MOTION TO DISMISS PLAINTIFFS’ FIRST
AMENDED COMPLAINT**

Defendants Amorphous Music, Inc. (“AMI”) and Bassnectar Touring, Inc. (“BTI”) respectfully move this Court to dismiss Counts II and IV of the First Amended Complaint (the “FAC”) filed against them by Plaintiffs Rachel Ramsbottom (“Ramsbottom”), Alexis Bowling (“Bowling”), Jenna Houston (“Houston”) and Jane Doe #1 (“Jane Doe #1”) (collectively “Plaintiffs”) pursuant to (i) Fed. R. Civ. P. 12(b)(2), for failure to sufficiently allege the existence of personal jurisdiction over AMI or BTI, (ii) Fed. R. Civ. P. 12(b)(3) on the grounds that venue in this Court is improper, and (iii) Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted.

First, this Court lacks both general and specific personal jurisdiction over AMI and BTI.

Courts are loath to exercise general jurisdiction over corporations in a forum other than their place of incorporation or principal place of businesses, and neither AMI nor BTI are incorporated or have their principal places of business in Tennessee. Further, the Bassnectar Entity Defendants have not purposefully availed themselves of the privilege of acting in Tennessee or causing consequences in Tennessee, and the Plaintiffs have not alleged any suit-related conduct by AMI or BTI in Tennessee.

Second, Plaintiffs' FAC has failed to meet any of the three requirements for proper venue pursuant to 28 U.S.C. § 1391(b).

Third, Count II of the FAC – Benefitting from a Sex Trafficking Venture in Violation of the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591 AND 1595 – fails to state a claim because Plaintiffs have not alleged facts sufficient to state a claim for violations of the relevant statutes. Plaintiffs' allegations against AMI and BTI are wholly conclusory. Furthermore, Plaintiffs have not alleged any facts that suggest AMI and BTI knowingly benefitted from any sex trafficking venture (a required element of Section 1595); that AMI and BTI had any knowledge of or should have had any knowledge of any sex trafficking venture (also a requirement of Section 1595); or even that AMI and BTI participated in any sex trafficking venture (also a required element of Section 1595).

Fourth, Count IV for negligence *per se* – for violations of Tennessee criminal statutes, Tenn. Code Ann. §§ 39-13-506(C) and 39-13-352 – fails to state a claim because Plaintiffs have not alleged facts sufficient to show a violation of either of those statutes.

Finally, Count IV of the FAC also fails to state a claim because it is time barred by the applicable statute of limitations.

AMI and BTI also file their Memorandum of Law in Support of this Partial Motion to

Dismiss and the Declaration of Mitchell Schuster, both of which they incorporate by reference.

For the foregoing reasons and for those reasons outlined in their Memorandum of Law in Support of this Partial Motion to Dismiss, AMI and BTI respectfully request that the Court dismiss Counts II and IV of the FAC pursuant to (i) Fed. R. Civ. P. 12(b)(2), for failure to sufficiently allege the existence of personal jurisdiction over AMI or BTI, (ii) Fed. R. Civ. P. 12(b)(3) on the grounds that venue in this Court is improper, and (iii) Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted.

Dated: July 16, 2021

Respectfully Submitted,

s/ Robert A. Peal
Robert A. Peal (No. 25629)
Mark W. Lenihan (No. 36286)
Grace A. Fox (No. 37367)
Sims|Funk, PLC
3322 West End Ave, Suite 200
Nashville, TN 37203
(615) 292-9335
(615) 649-8565 (fax)
rpeal@simsfunk.com
mlenihan@simsfunk.com
gfox@simsfunk.com

Kimberly S. Hodde (No. 20128)
Hodde & Associates
40 Music Square East
Nashville, TN 37203
(615) 242-4200
(615) 242-8115 (fax)
kim.hodde@hoddelaw.com

Mitchell Schuster
Stacey M. Ashby
Meister, Seelig & Fein, LLP
125 Park Avenue, 7th Floor
New York, NY 10017
ms@msf-law.com
sma@msf-law.com

*Counsel for Defendant Lorin Ashton, Amorphous
Music, Inc., and Bassnectar Touring, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the following counsel via the Court's CM/ECF system on this 16th day of July, 2021:

Phillip H. Miller
631 Woodland Street
Nashville, TN 37206
(615) 356-2000
phillip@seriousinjury.com

Alexandria MacMaster
M. Stewart Ryan
LAFFEY, BUCCI & KENT, LLP
1100 Ludlow Street
Suite 300
Philadelphia, PA 19107
(215) 399-9255
amacmaster@lbk-law.com
sryan@lbk-law.com

Brian Kent
Laff, Whitesel, Conte & Saret, Ltd.
401 N. Michigan Avenue
Suite 1700
Chicago, IL 60611-4212
(215) 399-9255
bkent@lbk-law.com

Counsel for Plaintiffs
Ashleigh D. Karnell
Paige Waldrop Mills
Bass, Berry & Sims (Nashville Office)
150 Third Avenue South
Suite 2800
Nashville, TN 37201
(615) 742-7914
(615) 742-0453 (fax)
ashleigh.karnell@bassberry.com
pmills@bassberry.com

Attorneys for Defendant Redlight Management, Inc. *Attorneys for Defendants Gnarlos Industries, LLC and Carlos Donohue*

Russell B. Morgan
Jason C. Palmer
Rachel Sodée
Bradley Arant Boult Cummings LLP
1600 Division Street
Suite 700
P.O Box 340025
Nashville, TN 37203-0025
(615) 252-2311
(615) 252-6311 (fax)
rmorgan@bradley.com
jpalmer@bradley.com
rsodee@bradley.com

R. Scott McCullough
McNabb, Bragorgos, Burgess & Sorin, PLLC
81 Monroe Avenue
Sixth Floor
Memphis, TN 38103-5402
(901) 924-0640
(901) 624-0650 (fax)
smccullough@mbbslaw.com

Counsel for Defendant C3 Presents, L.L.C.

Cynthia A. Sherwood
Davis Fordham Griffin
Sherwood Boutique Litigation, PLC
201 Fourth Avenue, N
Suite 1130
Nashville, TN 37219
(615) 873-5670
(615) 873-5671 (fax)
cynthia@sherwoodlitigation.com
davis@sherwoodlitigation.com

Bennett James Wills
Brian T. Boyd
Law Office of Brian T. Boyd
214 Overlook Cir.
Suite 275
Brentwood, TN 37027
(615) 861-1936
(615) 523-2595 (fax)
bennett@boydlegal.co
brian@boydlegal.co

Attorneys for Defendant Interactive Giving Fund

s/ Robert A. Peal